

HIGH COURT OF UTTARANCHAL AT NAINIAL.

Writ Petition no. 1145 (M/S) 2006

Sh. Navdeep Mehta S/o Sh. Jagdish Pal Mehta,
Resident of 110/113, Tilak Marg, Rishikesh,
District Dehradun.

-----Petitioner.

Versus

1. 1st Addl. Civil Judge (Sr. Div.), Dehradun,
2. Sh. Vijay Kumar S/o Sh. Narayan Dass,
Resident of 313 Bankhandi Gram, Rishikesh,
District Dehradun.

-----Respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri I.P. Kohli, learned counsel for the petitioner
and Sri N.P. Shah, learned Standing Counsel for the State of
Uttaranchal/respondent no.1.

This writ petition has been filed by the petitioner seeking
following reliefs:-

- i. To issue a writ, order or direction in the nature of
mandamus commanding respondent no.1 to decide
the S.C.C. Suit no.45 of 2000 Sh. Navdeep Mehta vs.
Sh. Vijay Kumar within three months from the date of
issue of order by this Hon'ble Court or as is deemed
proper by this Hon'ble Court under the facts and
circumstances of this case,
- ii. To issue any other writ, order or direction as deemed
fit and proper under the circumstance of the case,
- iii. To award cost of the petition throughout.

The facts, in brief, are that the petitioner has filed a S.C.C. Suit against the respondent no.2 on 07.11.2000 for realization of rent as well as ejectment of the defendant from the shop in dispute. The said suit registered as S.C.C. Suit no. 45 of 2000 Sri Navdeep Metha vs. Vijay Kumar. On 02.08.2004 the evidence of the petitioner was recoded and the case was fixed for the cross-examination of the petitioner.

It is contended that since the month of August 2004 almost two years have been passed, however the case is being adjourned on behalf of the respondent no.2 on one pretext or the other. In the circumstances, the petitioner has prayed that the 1st Addl. Civil Judge (Sr. Div.), Dehradun may be directed to decide the S.C.C. Suit no. 45 of 2000 Sri Navdeep Mehta vs. Vijay Kumar within the period prescribed by the Court.

On the facts and circumstances mentioned above, I deem it fit and proper to direct the 1st Addl. Civil Judge (Sr. Div), Dehradun to decide the S.C.C. Suit no. 45 of 2000 Sri Navdeep Mehta vs. Vijay Kumar, as expeditiously as possible.

Interim Application no. 10845/06 stands disposed of accordingly.

With this direction, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

August 24, 2006:
NCM: